



CITY OF BEAVERTON  
Community Development Department  
Development Services Division  
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## TYPE 3 NOTICE OF APPEAL OF PLANNING COMMISSION DECISION

**Date of Notice:** March 23, 2005

**Case File No./Project Name:** APP2005-0002 (Appeal of Garden Grove PUD);  
Appeal of Planning Commission approval of Garden Grove Conditional Use –  
Planned Unit Development (CU 2004-0021)

**City Council Public Hearing Date:** April 4, 2005

**Hearing Location and Time:** City Council Chambers, First Floor, Beaverton City Hall,  
4755 SW Griffith Drive, beginning at 6:30 p.m.

**Summary of Application:** The City Council will hold a public hearing to consider an appeal of the Planning Commission's March 1, 2005 decision to approve the Garden Grove PUD (CU2004-0021). The applicant, CES-NW, requests approval of a 15 lot single-family detached residential development. The Planning Commission's approval of the CU/PUD authorized flexibility in development standards of the approved R-7 zoning district, which is permitted by the Code. This flexibility permits a reduction in lot sizes, lot dimensions, and internal building setbacks in comparison to standard R-7 zone development. The appeal, submitted March 11, 2005, objects to the Commission's approval on the basis of potential traffic congestion and compatibility of future homes in the development in relation to the surrounding area.

**Decision-Making Authority on Appeal:** City Council

**Requested Due Date for Written Comments:** March 28, 2005

Please reference the Case File Number and Project Name in your written comments. Mailed written comments should be sent to the attention of the City Recorder, PO Box 4755, Beaverton, OR 97076. Written comments submitted in person should be delivered to the City Recorder, 3<sup>rd</sup> Floor, Beaverton City Hall, 4755 SW Griffith Drive. If you decide to submit written comments or exhibits before the public hearing, Section 50.88 of the Beaverton Development Code requires that the written comments or exhibits be received at the City no later than 5:00 p.m. on the day of the scheduled hearing. You may also submit written comments or exhibits at the public hearing. In all cases, all submittals prior to or at the hearing that are more than two (2) letter size pages must include no fewer than ten (10) complete copies of the materials being submitted.

**Staff Planner:** John Osterberg **Phone Number:** (503) 526-2416

**Site Description:**

Map & Tax Lot Number: Map 1S1-24DA Lot 301  
Location: SW Canby Street (west of Canby Lane)  
Zoning: Urban Standard Density (R-7)  
Neighborhood Association Committee: Not within a NAC, but located in County CPO-3

**Applicable Development Code Approval Criteria:** 40.03, 40.15.15.5.C,

The following Comprehensive Plan Policies are also applicable for the Conditional Use-PUD proposal: Goal 3.13.1, Policies a through i; Goal 3.13.3, Policy a; Goal 4.2.1.1 Policy a; Goal 4.2.2.1, Policy a; Goal 5.4.1, Policies b and c; Goal 5.6.1. Policy a; Goal 5.7.1 Policy f; Goal 6.2.1, Policies a, b and d; Goal 6.2.2 Policies a through f; Goal 6.2.3, Policies b, d, e, f, g, and h. The appellant has cited Code Sections 40.03.1 and 60.55.20 and Policies 6.2.1.a and 3.13.1.c. as not being met by the proposal.

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The City Council shall conduct a public hearing on the Appeal in accordance with Beaverton Development Code Sections 50.85 through 50.88, and will make a decision on the application after the hearing closes, to continue the hearing, to reverse or affirm the Planning Commission decision, or to remand the decision authority back to the Planning Commission for public hearing. Failure to raise an issue in a hearing, by testifying in person or by letter, or failure to provide statements or evidence with sufficient specificity to afford the decision-making authority an opportunity to respond to such issue, precludes appeal to the Land Use Board of Appeals on that issue.

A copy of the staff report will be available for inspection at no cost at least seven (7) calendar days before the hearing, and a copy will be provided at reasonable cost. A copy of the staff report may also be viewed on-line at [http://www.ci.beaverton.or.us/departments/CDD/CDD\\_staffreports.html](http://www.ci.beaverton.or.us/departments/CDD/CDD_staffreports.html).

Documents and plans for the development application are available for review at the Beaverton Development Services Division, 2<sup>nd</sup> floor, Beaverton City Hall, 4755 SW Griffith Drive, between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. A copy of the pre-application conference comments, and all other documents and evidence submitted by or on behalf of the applicant, and the appellant, and applicable approval criteria are available for inspection at no cost, and will be provided at reasonable cost.

Please note: You are receiving this notice to advise you of a pending Appeal of a decision. Section 50.70.7 of the Beaverton Development Code requires the City to provide written notice of an Appeal of a pending Type 3 development application to the applicant, property owner, affected Neighborhood Association Committees (NACs), and owners of property within 500 feet on all sides of the property subject to the appeal, based on the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation. **Please note that the failure of a property owner to receive notice does not invalidate a decision.**

THIS INFORMATION IS AVAILABLE IN LARGE PRINT OR AUDIO TAPE UPON REQUEST. IN ADDITION, ASSISTED LISTENING DEVICES, SIGN LANGUAGE INTERPRETERS, OR QUALIFIED BILINGUAL INTERPRETERS WILL BE MADE AVAILABLE AT ANY PUBLIC MEETING OR PROGRAM WITH 72 HOURS ADVANCE NOTICE. TO REQUEST THESE SERVICES, PLEASE CALL 526-2222/VOICE/TDD.